

LAW OFFICES OF NOLAN KLEIN, P.A.**ATTORNEYS & COUNSELORS**

FLORIDA: WELLS FARGO TOWER, SUITE 1500, ONE EAST BROWARD BLVD., FT. LAUDERDALE, FLORIDA 33301
PH: (954) 745-0588

NEW YORK: 347 WEST 36TH STREET, SUITE 805, NEW YORK, NEW YORK 10018
PH: (646) 560-3230

Valerie K. Ferrier, Esq.
ferrier@nklegal.com

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VIA CM/ECF

The Honorable Jed S. Rakoff
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Duran-Peralta v. Luna
SDNY Case No.: 1:16-cv-7939

Dear Judge Rakoff:

This office represents the Defendant, Johnny Antonio Luna (“Defendant”), in the above-captioned case. We write to request an extension of time to respond to the Plaintiff’s Complaint, in light of the discussions that took place at the parties’ initial conference before Your Honor on October 28, 2016. Defendant was served with the Complaint on October 20, 2016. Accordingly, a response would be due tomorrow, November 10, 2016.

At the initial conference, Plaintiff’s counsel indicated that he needed to speak to his client to discuss certain documents that I had presented to him that are highly relevant to this case. Accordingly, the conference was adjourned to Monday, November 14, 2016, in order to give counsel time to get in touch with his client, who lives in the Dominican Republic. I emailed Plaintiff’s counsel yesterday to ask whether that conversation had taken place, but have not yet received a response.

Given the uncertain nature of the proceedings at this stage, Defendant respectfully seeks an extension of time to file a response until after the conference on November 14, 2016. If the case is not disposed of on or before that date, Defendant will move to dismiss, rather than file an Answer, and therefore requests until December 2, 2016 to do so.

We thank the Court for your consideration in this matter.

Respectfully Submitted,

Law Offices of Nolan Klein, P.A.

By: Valerie K. Ferrier
Valerie K. Ferrier

cc: Frederick L. Whitmer, Esq. (via e-mail)